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BALL JANIK LLP

A T T O R N E Y S

1455 F STREET, NW, SUITE 225
WASHINGTON, D.C. 20005

www.balljanik.com

TELEPHONE 202-638-3307
FACSIMILE 202-783-6947

KARL MORELL

kmorell@dc.bjllp.com

February 23, 2010

E-FILE

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street S.W.
Washington, DC 20423-0001

ENTERED
Office of Proceedings
FEB 23 2010
Part of
Public Record

Re: STB Finance Docket No. 35354, Montoff Transportation Company,
LLC – Acquisition Exemption – BNSF Railway Company

Dear Ms. Brown:

Attached for e-filing is the Statement of Support submitted on behalf of
BNSF Railway Company.

If you have any questions, please contact me.

Sincerely yours,



Karl Morell

Enclosure

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB FINANCE DOCKET NO. 35354

MONTOFF TRANSPORTATION COMPANY, LLC
--ACQUISITION EXEMPTION--
BNSF RAILWAY COMPANY

STATEMENT OF SUPPORT

Kristy D. Clark
General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, TX 78131

Karl Morell
Of Counsel
Ball Janik LLP
1455 F Street, N.W.
Suite 225
Washington, D.C. 20005
(202) 638-3307

Attorneys for:
BNSF Railway Company

Dated: February 23, 2010

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB FINANCE DOCKET NO. 35354

MONTOFF TRANSPORTATION COMPANY, LLC
--ACQUISITION EXEMPTION--
BNSF RAILWAY COMPANY

STATEMENT OF SUPPORT

BNSF Railway Company ("BNSF") files this Statement in support of the Notice of Exemption filed on February 17, 2010, pursuant to 49 C.F.R. Part 1150, Subpart D--Exempt Transactions, to permit Montoff Transportation Company, LLC ("Montoff") to acquire the reactivation rights on the 42.80-mile rail line located between milepost 73.6, near Fairmont, and milepost 116.40, near Guthrie, in Garfield and Logan Counties, OK (the "Line").

The Line was authorized for abandonment in STB Docket No. AB-6 (Sub-No. 379X), *The Burlington Northern and Santa Fe Railway Company – Abandonment Exemption – In Garfield and Logan Counties, OK* ("OK Abandonment"). By decision served October 27, 1998, in *OK Abandonment*, the Surface Transportation Board ("Board") granted the request of the Oklahoma Department of Transportation ("ODOT") for the issuance of a notice of interim trail use ("NITU"). Shortly thereafter BNSF and ODOT entered into an Interim Trails Use/Railbanking Agreement.

On August 31, 2009, ODOT and Montoff filed a joint motion ("Motion") requesting that the Board vacate the existing NITU and issue a replacement NITU permitting Montoff to

substitute for ODOT as the interim trail manager. By reply filed September 3, 2009, BNSF opposed the Motion. On October 14, 2009, Montoff requested that the Motion be held in abeyance. On February 17, 2010, Montoff filed for Renewal of Pending Joint Motion for Substitution of Trail Manager.

BNSF, ODOT and Montoff have recently entered into a Tri-Partite Agreement which, among other things, protects BNSF's retained interests in the rail corridor and the track materials on the Line. That Agreement, however, becomes effective only if Montoff acquires BNSF's reactivation rights on the line pursuant to the Notice of Exemption filed in this proceeding.

BNSF fully supports Montoff's request and respectfully urges the Board to allow the Notice of Exemption to become effective and permit Montoff to acquire the reactivation rights on the Line.

Respectfully submitted,

A handwritten signature in black ink, reading "Karl Morell", written over a horizontal line.

Kristy D. Clark
General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, TX 78131

Karl Morell
Of Counsel
Ball Janik LLP
1455 F Street, N.W.
Suite 225
Washington, D.C. 20005
(202) 638-3307

Attorneys for:
BNSF Railway Company

Dated February 23, 2010

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Statement of Support was served by U.S. Mail, first class, postage pre-paid, this 23rd day of February, 2010 upon counsel for Montoff Transportation LLC and the Oklahoma Department of Transportation.

A handwritten signature in black ink, reading "Karl Morell", written over a horizontal line.

Karl Morell